

REMARKS

Claims 3 and 4 have been amended and claims 5-8 have been added herein. Claim 3 stands rejected under 35 USC 103 as being directed toward non-statutory subject matter. Claims 3 and 4 stand rejected as being unpatentable over Germeraad in view of Klenz. Claims 5-8 have been added and are supported at least in part by paragraphs [0011], [0014], and [0022] of the originally filed disclosure. Thus, claims 3-8 are currently pending and presented for examination.

Response to Rejections Under Section 101:

Examiner states that claim 3 is not tied to another statutory class, and can be performed in the human mind. Applicant notes that claim 3 included the following language:

representing the ideal characteristic variables of each sub-aspect as an optimum point in a center area of a display field of a visualization system and the actual characteristic variables of each sub-aspect are shown as an actual point at a distance from the optimum point and the actual points are graphically connected by connecting lines so that the area enclosed by the connecting lines is a measure of the quality of the process flow in the observation period

Consequently, the original claim 3 was tied to a visualization system and thus could not have been performed in a human mind. However, in the interest of furthering prosecution, Applicant has further amended claim 3 to include “storing the plurality of ideal characteristic variables that describe a sub-aspect of the process flow, and the desired target for each sub-aspect, **in an electronic storage area**” as well as a “calculating a plurality of deviations... using a **calculation module**” in the claim. Applicant respectfully requests the 35 USC 101 rejection of claim 3 be withdrawn.

Response to Rejections Under Section 103:

Germeraad teaches a radar diagram to display basic information in graphic form. Germeraad teaches presenting a radar diagram where a class of intellectual property is a “spoke” of the diagram, and the number of patents issued to company in that class of intellectual property is represented by distance from the center. Germeraad does not teach business process attributes because there is no business process discussed (i.e. no plan related to patents is being charted or

compared against). Germeraad simply teaches compiling and displaying data in radar diagram form. Thus, Applicant disagrees with Examiner that Germeraad and Klenz teach Applicant's claim 3. Examiner's reads Germeraad such that displaying "business process attributes" in a radar chart includes displaying virtually *any* data related to business, as opposed to the specific process data Applicant claims. Further, Examiner's reads Klenz's SPC as teaching monitoring any data with an "ideal characteristic." However, virtually all monitoring must be based on an ideal characteristic in order to give meaning to any monitored data. Thus, Applicant can conceive of virtually no claim for a radar chart that could survive Examiner's application of Germeraad and Klenz. Therefore, Applicant has amended claim 3 to avoid protracted prosecution and possible appeal, without agreeing with Examiner's argument.

Applicant has further amended claim 3 to include "displaying a **means for correcting deviations** of actual characteristic variables of a sub-aspect from the ideal characteristic variables of a sub-aspect." This is supported at least in part by paragraphs [0011], [0014], and [0022] of the originally filed disclosure. For clarification, Examiner states "Klenz suggests using SPC techniques *to correct* the deviations." As is known to those in the art, SPC monitors data which can be analyzed and used to determine a root cause of a problem, which may subsequently be corrected. SPC itself does not suggest a solution. (Applicant assumes Examiner is aware of the distinction and used the phrase "to correct" in general terms, but because newly amended claim 3 depends on the distinction between displaying characteristic variables and "displaying a means **for correcting** deviations," Applicant wanted to elaborate to avoid possible confusion.) Thus, neither Germeraad nor Klenz individually nor in combination teach or suggest this limitation, and Applicant respectfully requests the 35 USC 103 rejection of claim 3, based on Germeraad and Klenz, be withdrawn.

Applicant has amended claim 4 and directed it toward a device that permits the method of claim 3 to be executed on a computer system, as supported at least by paragraphs [0011], [0014], and [0022], claim 4, and inherently throughout the originally submitted specification. In amended claim 4 Applicant now claims in part:

further comprising instructions that **enable the visualization system to display data related to a respective sub-aspect in response to a selection of a respective sub-aspect**; computer readable media comprising computer readable

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code that, when read by a computer **enables an interface to permit a user to select a sub-aspect.**

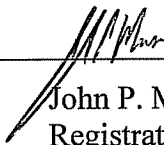
Neither Germeraad nor Klencz individually nor in combination teach or suggest these new limitations, and Applicant respectfully requests the 35 USC 103 rejection of claim 4, based on Germeraad and Klencz, be withdrawn.

Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicant respectfully requests that the Examiner reconsider the objections and rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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